

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
October 4, 2005

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, October 4, 2005, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, James S. Burgett, and Thomas G. Shepperd, Jr.

Kenneth L. Bowman was absent.

Mr. Zaremba arrived at 6:12 p.m.

Also in attendance were James O. McReynolds, County Administrator; and J. Mark Carter, Assistant County Administrator.

WORK SESSION

JOINT MEETING WITH THE YORK COUNTY ECONOMIC DEVELOPMENT AUTHORITY

Economic Development Authority Members Present: R. Anderson Moberg, Chairman; H. J. Coxton, Vice Chairman; Bradley E. Berrane; Alex G. Llorente; Vernard E. Lockwood, II; and L. Ronald Miller.

Mr. McReynolds indicated that one of the Board's goals was quality economic development, and one of the implementation strategies for that goal is the conduct of this joint meeting. He noted that staff had developed a list of discussion topics that seemed to be of interest to both bodies. The list included mixed use designation of property in the County, economic development incentives, land supply, and the Route 17 improvement corridor.

Mr. Noel provided a definition of mixed use and noted there has been a lot of interest about using this planning designation in York County and how it should be structured. Under the current Zoning Ordinance, it is accomplished under the Planned Unit Development provisions. While it gives guidance, it does not address some of the standards the Board of Supervisors and Economic Development Authority might want to impose to get the type of mixed use it wants. Mr. Noel stated if the Board wishes, there would be an opportunity to form a committee and task the Authority to take the lead in forming the committee and to provide input to it. The Board would need to provide input as to how it wished to see the mixed use designation configured, and what kind of mix the Board would like to see between the various uses.

Mr. Burgett stated there are developments like Port Warwick that have some features the Board needs to look at for York County. He indicated there are sections of town houses that he was not sure the Board would want to get into as opposed to apartments above retail shops. The County is becoming a senior community, and this needs to be factored in. Mr. Burgett stated he felt the mixed use should be basically commercial-oriented, and the Board needs to decide what it takes to bring this about and get it out to the developers so they will know what it is the Board wants.

Mrs. Noll stated she was open to whatever people bring to the Board to look at. If a committee is formed, she stated she would like it to do an in-depth study of the various ways mixed use can be applied. Then a public hearing should be held to get public input before the Board makes a final decision on it. Mrs. Noll stated she has always been a proponent of mixed use,

but the Board was told in the past that funding such a use was not feasible; but times have changed. The County has an aging population, and she indicated she liked the idea of apartments on top of retail businesses. Mrs. Noll stated she felt it would be wise to put a committee together to conduct a broad-based study.

Mr. Lockwood stated he felt it was time for this type of development in York County, and it has been used successfully in other communities. He stated the population, as it ages, looks to more of a community-based lifestyle; and, if done properly, it is the best land use for certain properties.

Mr. Shepperd noted that establishing a community-based environment is very expensive, but mixed use provides an opportunity to continue to balance the effort. There is also the part of the population of younger people, and it is too expensive for them to live here. He then spoke of his concerns regarding the Board having control over these mixed-use developments and making sure the designation is not an avenue by which unsuitable development is brought in.

Mr. Coxton stated the Board of Supervisors has done a fantastic job in planning for the County, and everyone needs to look very closely at the possibility of using mixed use development and where it should be located. He indicated that Port Warwick is beautiful, but people have to be able to afford to live in York County.

Mr. Berrane indicated he felt mixed use is an excellent idea which provides the opportunity to bring in more facilities for the people who live in the area and other parts of the county. It can also provide leverage with developers to bring in sewer and water to areas that need it.

Mr. Zaremba spoke of the New Town mixed use development, stating it is something Europeans have done for centuries with an American flavor. He noted his agreement with the comment about them not stringing up like dots on a board, and one reason New Town works is that it is contiguous to City of Williamsburg and is an extension in a unique way. Mr. Zaremba stated he did not know what the down side would be, but the country has grabbed hold of it, and if it is done right, it will work. He noted there is limited space left in York County, and some undeveloped parcels are pegged for development. He stated the Board needs the help of the Authority with what will occur on these properties.

Mrs. Noll stated she was thinking more on the lines of a village concept. She stated one concern she has deals with all the parking spaces, and she asked if there was some way for more walking areas to be developed and more enclosed parking so that the amount of asphalt can be minimized. She stated she was not looking for high-rise, as she did not think it would be suitable. She also stated it should be done through special use permits so that the Board has more control. Mrs. Noll stated she would also like architectural control because the development should blend with current development.

Mr. Miller echoed the sentiments of Mr. Zaremba with respect to the limited amount of land available for development. He stated he felt a committee would need some direction as to where to look and as to what properties are available. Mr. Miller noted that mixed use was very popular right now and would serve a purpose in York County.

Mr. Llorente stated the Board should empower this committee to look at other developments in the state and decide what are the good and bad things about each, narrow the list, and come to an understanding of what the perfect environment would be. The next step would be to put these findings out to the private sector with the Board's architectural guidelines and the need for the community. He stated the Board has to be careful because someone will always come in with a different angle.

Chairman Burgett stated there had been a lot of great comments, and the Authority has the consensus of the Board of Supervisors to form a committee. The Board and the Authority will then get together again to review the outcome of the committee's work. He stated he felt there could be some exciting ideas for mixed use in York County.

Mr. McReynolds indicated another topic for discussion between the two bodies was economic incentives.

Mr. Noel reviewed for the Board and Authority the process of the current incentive fund. The Authority has reviewed several requests for assistance lately, and is asking for direction from the Board of Supervisors as to whether or not the Authority is on the right path regarding what is important, what is not important, what kinds of grants would be appropriate, and what kinds would not be appropriate. He reviewed the current guidelines, indicating the current payback is 1-5 years. The priority areas are Route 17, Office Development/Above Median Wages; Significant machinery and tool investment; strong retail sales; and growth industries (new technologies). The Authority would like to see these businesses use the funding for infrastructure improvements; upgrade/renovations to existing buildings; new construction; and new capital equipment. Mr. Noel stated the Authority is looking for more narrowly defined direction from the Board of Supervisors.

Mr. Moberg explained that one of the issues the Authority has dealt with is the magnitude of the proposed project. If a large business comes in with 100 jobs, it is good to fund infrastructure. With regard to some of the smaller businesses, the Authority asks what is too small to provide sewer extensions. He stated it is a gray area in bringing new businesses to the County versus helping the businesses that are already here. Mr. Moberg stated the Authority wants to be responsible in how it helps the businesses in the County.

Discussion followed on providing economic incentives equitably for both new and current businesses in the County and the concerns the members of the Economic Development Authority have regarding what would be considered maintenance vs. assistance, and incentives not being in competition with the private sector.

Mr. Shepperd indicated the Authority needs a prioritized list. He stated there are too many requests chasing too few dollars. He suggested that the Authority prioritize the requests in appropriate categories of what the community wants, and then the Board can come up with a list of guidelines.

Chairman Burgett asked staff to work on some guidelines that will be refined by setting up categories.

Mr. McReynolds indicated the next discussion item was land for economic development. He stated so far the County has relied on the market to supply the property, and it has many partnerships such as working with Dominion Power; but it does have disadvantages. He stated another option would be for the Authority to purchase some land.

Mr. Noel explained the advantages of the County owning economic development property such as price flexibility, expedition of the sale process, marketing advantage, and control of occupant mix. He noted the downside is the carrying cost until it is developed. He spoke of York River Commerce Park that the County has spent a lot of money on for roads, stormwater retention, and gravity sewer for full capacity development of the property. The virtual building is set up to take advantage of the rail service. He indicated the proposal tonight is to give some thought to whether or not this is the direction in which the County wants to go. York River Commerce Park is land the County already has some investment in, but there are some other property possibilities also.

Chairman Burgett stated York County is hot right now in terms of economic development, but it does not enjoy the same advantages of its sister localities in having control over the deal. He stated he felt this was an opportunity or tool, and the Board and the Authority have the capability to utilize it. He noted that the new Fort Eustis Boulevard extension is coming directly into this property, and he would hope that Dominion Power would do something with it or work out an arrangement with York County. Mr. Burgett stated it will enhance the County's economic development position if it can be done for the right price.

Mr. Noel discussed the virtual building, stating the site plan and building plans have been approved. Anyone who comes in can be turning dirt in a very short period of time. The other

advantage is that the state has this building in its database, and staff has already gotten some hits from it. All utilities are in place as well as a price from a contractor for the building.

Discussion followed on the virtual building and other areas in York River Commerce Park available for economic development.

Mr. Lockwood stated he would like to see the County do more projects like Riverwalk Landing. The County needs to focus on the opportunities for economic development and then control them, and he sees this as a first step since the County has an investment, and some of it will be recouped since there are potential buyers on the list. He noted there is minimal cost for this type of investment.

Mrs. Noll stated she was not sure the Board needed to be in the real estate business. She voiced concern about who will own it and how will it be paid for, and she asked if some of the money would be used as a hedge against the cost of this property. She stated there are many questions that need to be answered, and the Board needs to think seriously about whether or not this is the way it wants to go.

Mr. McReynolds indicated the last topic for discussion is the Route 17 Corridor Revitalization Program. He reviewed the status of the program to revitalize the Route 17 corridor, stating most of the objectives have been accomplished or are ongoing.

Mr. Noel stated there have been 39 applicants comprised of 33 businesses which have been approved to date, and \$17,200 of the \$250,000 allotted is still available. He indicated that 23 businesses have participated in the design assistance program, and the staff and Authority are very pleased with the improvements that have taken place thus far. At this time he stated the Authority needed guidance from the Board as to where the program should go.

Mrs. Noll stated the Board does not want the program to end with Route 17. She stated she would like to see the revitalization completed on Route 17; and, if the results are what the Board hoped for, she stated she would like the County to expand the program to other areas. She stated she was quite pleased with the advances made on Route 17. Mrs. Noll asked what was the end date for the current projects.

Mr. Noel stated they should be complete within six months, and he could provide the Board with detailed information on each of the revitalization projects.

Discussion followed on other areas to be considered for the revitalization program.

Chairman Burgett stated what has been done on Route 17 is a home run, and the County is seeing what the initial results have been. The money the Board has funded has paid dividends in the community. Mr. Burgett stated he would like to see one adjustment in that a time limit be placed on each grant for the work to be completed or it goes back into the pool for others, and the grants should also be limited. He stated then the Board needed to replenish the funding to get more people to buy into the program.

Mr. Moberg stated the Authority has been pleased with the program. It has had some of the same concerns with these requests as with the economic development incentives funding. He stated if the Board of Supervisors wants to fund another round, the Authority can tighten up the criteria.

Mr. Berrane asked if the program should be expanded to include relocating businesses.

Chairman Burgett and Mr. Zaremba indicated it should not be used to help a business relocate within the County.

Chairman Burgett then thanked the members of the Economic Development Authority for meeting with the Board this evening.

Meeting Recessed. At 7:47 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 7:57 the meeting was reconvened in open session by order of the Chair.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 1, 2, 3, and 4, respectively.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Shepperd, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 1. APPROVAL OF MINUTES

The minutes of the following meeting of the York County Board of Supervisors were approved:

September 6, 2005, Regular Meeting

Item No. 2. VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT: Resolution R05-175

A RESOLUTION TO AUTHORIZE YORK COUNTY, AS THE MANAGING JURISDICTION OF THE COLONIAL GROUP HOME COMMISSION, TO CONTINUE ADMINISTERING THE CONSOLIDATED VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT COMPLIANCE PLAN

WHEREAS, the 1995 General Assembly enacted the Virginia Juvenile Community Crime Control Act to establish balanced, community-based programs and services for juvenile offenders; and

WHEREAS, York County has been a long-standing member of the Colonial Group Home Commission, a regional entity which also includes James City and Gloucester Counties and the City of Williamsburg, which funds an extensive variety of community based services for juvenile offenders; and

WHEREAS, under the joint exercise of powers agreement executed between the member localities, York County serves as the managing jurisdiction on behalf of the Commission as well as the fiscal agent for the localities of Mathews County and the City of Poquoson and delivers these regionally funded programs and services through the Juvenile Services Division of the County's Community Services Department; and

WHEREAS, these programs receive state support through the Virginia Juvenile Community Crime Control Act funds made available to Commission member localities and Mathews County and the City of Poquoson; and

WHEREAS, it is the desire and intent of the York County Board of Supervisors that these regional juvenile offender programs be continued uninterrupted and that funds allocated to York under the Virginia Juvenile Community Crime Control Act be used for such purposes;

October 4, 2005

NOW, THEREFORE BE IT RESOLVED by the York County Board of Supervisors this 4th day of October, 2005, that funds awarded to York County under the Virginia Juvenile Community Crime Control Act be used to continue in an uninterrupted manner the programs and services regionally funded through the Colonial Group Home Commission.

BE IT STILL FURTHER RESOLVED that the County Administrator is authorized to submit to the Virginia Department of Juvenile Justice any required service plans and compliance reports and to take all actions necessary to assure the successful continuation of this activity.

Item No. 3. PUBLIC SEWER EXTENSION AGREEMENT—EDGEHILL SECTION 4: Resolution R05-165

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS EDGEHILL SECTION 4, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Wayne Harbin Builder, Inc., has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve eight new residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code, the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$18,400.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 4th day of October, 2005, that the Board approves the extension of the County's public sewer system to serve the proposed development, Edgehill Section 4, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Wayne Harbin Builder Inc., for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 4. PURCHASE AUTHORIZATION: Resolution R05-172

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CHANGE ORDER TO EXTEND THE TIME FOR COMPLETION OF THE SKIMINO HILLS SANITARY SEWER PROJECT – CONTRACT 1

WHEREAS, it is the policy of the Board of Supervisors that "the time of performance for any contract shall not be extended by more than 20 percent of the original term of the contract or thirty (30) days, whichever is greater, without prior approval by the Board"; and

WHEREAS, the County Administrator has determined that the following request to extend time on an existing contract is greater than 20 percent of the original contract period, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 4th day of October, 2005, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Skimino Hills Sanitary Sewer Project (time extension of 90 days)	\$0

CLOSED MEETING. At 7:59 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea:	(5)	Noll, Shepperd, Zaremba, Burgett
Nay:	(0)	

Meeting Reconvened. At 8:12 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of October, 2005, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea:	(4)	Shepperd, Zaremba, Noll, Burgett
Nay:	(0)	

APPOINTMENT TO THE THOMAS NELSON COMMUNITY COLLEGE BOARD

Mr. Shepperd moved the adoption of proposed Resolution R05-168 that reads:

October 4, 2005

A RESOLUTION TO APPOINT A SECOND YORK COUNTY REPRESENTATIVE TO THE THOMAS NELSON COMMUNITY COLLEGE BOARD

WHEREAS, the membership of the Thomas Nelson Community College (TNCC) Board has been expanded, and York County is now afforded two representatives; and

WHEREAS, Mr. Joe Shipes serves as one of the York County representatives to the TNCC Board; and

WHEREAS, the Board of Supervisors wishes to appoint a second representative at this time;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of October, 2005, that the following individual be, and hereby is, appointed to serve as a York County representative to the Thomas Nelson Community College Board for a term to begin immediately and expire June 30, 2008:

Belinda H. Willis

On roll call the vote was:

Yea: (4) Zaremba, Noll, Shepperd, Burgett
Nay: (0)

OPEN DISCUSSION

Mrs. Noll thanked everyone who turned out for York Katrina Day. She stated the cooperation from staff, the School Board, service organizations, the community, and those who donated everything from activities to raffle prizes, allowed the function to raise over \$11,000.

Meeting Adjourned. At 8:14 p.m. Mr. Burgett declared the meeting adjourned to 6:00 p.m., Tuesday, October 11, 2005, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors